

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

NATURAL RESOURCES DEFENSE)
COUNCIL, INC.,)
)
Plaintiff,)
)
v.)
)
FEDERAL EMERGENCY MANAGEMENT)
AGENCY,)
)
Defendant.)
)
)

USDC SDNY
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ELECTRONICALLY FILED
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DATE FILED: SEP 09 2016

Civil Action No. 15-cv-04765-AJN

STIPULATION AND ORDER OF SETTLEMENT

WHEREAS, on August 8, 2016, the Court so-ordered a stipulation (the “August 8 Stipulation”) between the parties dismissing this case with prejudice but providing that the Court would retain jurisdiction of this matter for the purpose of resolving any disputes concerning (i) the compliance of defendant Federal Emergency Management Agency (the “Government”) with Paragraph 1 of the August 8 Stipulation, and (ii) claims for fees and costs pursuant to 5 U.S.C. § 552(a)(4)(E);

WHEREAS, plaintiff Natural Resources Defense Council (“Plaintiff”) agrees that the Government has fully complied with its obligations pursuant to Paragraph 1 of the August 8 Stipulation; and

WHEREAS, the parties wish to resolve the matter of Plaintiff’s claim for attorneys’ fees and other litigation costs reasonably incurred in this case pursuant to 5 U.S.C. § 552(a)(4)(E) consensually without further litigation.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows:

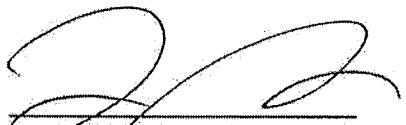
1. The Government has fully complied with its obligations pursuant to Paragraph 1 of the August 8 Stipulation.
2. Pursuant to 5 U.S.C. § 552(a)(4)(E), the Government shall pay to Plaintiff, in a reasonable time, the sum of \$8,000.00 (EIGHT THOUSAND DOLLARS) in attorneys' fees and litigation costs (the "Settlement Amount"), which sum Plaintiff agrees to accept in full satisfaction of any possible claim, demand or entitlement for attorneys' fees and costs Plaintiff has incurred or will incur in this action.
3. In consideration for, and effective upon, payment of the Settlement Amount set forth in the preceding paragraph, Plaintiff releases the United States, its agencies, departments, officers, employees, servants, and agents, including the Federal Emergency Management Agency, from any claims for attorney's fees, costs, and expenses of any kind, and however denominated, relating to services performed in connection with this instant action.
4. Nothing in this Stipulation and Order shall constitute an admission by the United States of America or its agencies, including the Federal Emergency Management Agency, that Plaintiff or its counsel is entitled to attorneys' fees and costs under 5 U.S.C. § 552(a)(4)(E) in this action, or any other FOIA action.
5. This action is dismissed with prejudice and, notwithstanding the August 8 Stipulation, the Court shall retain jurisdiction only over any issues that may arise relating to the instant Stipulation and Order.
6. The Parties understand and agree that this Stipulation and Order contains the entire agreement between them. No statements, representations, promises, agreements, or

negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

7. This stipulation may be executed in counterparts. Facsimile or pdf signatures shall have the same force and effect as original signatures.

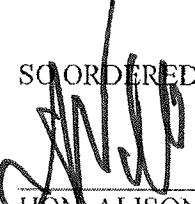
Dated: September 8, 2016
San Francisco, CA

NATURAL RESOURCES DEFENSE
COUNCIL
Attorneys for Plaintiff



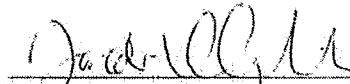
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SO ORDERED:


HON. ALISON J. NATHAN
United States District Judge

Dated: September 8, 2016
New York, NY

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